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Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Extremely hazardous Child Labour in coal mines in Meghalaya, India

1. Introduction

Following a fact-finding mission in Meghalaya, India in 2010, Human Rights Now (HRN), a Tokyo based international human rights NGO, has found an alarming child trafficking and labour crisis in the mines of Meghalaya. Our mission, conducted with a local NGO, Impulse NGO Network[1], revealed the extremely hazardous and inhumane conditions under which the trafficked children were forced to engage in mining work.[2] Children were sent deep down underground through small tunnels called 'rat holes' with little oxygen and ventilation. Inability to pay their family's debts and lack of financial stability victimized them[3].

The Special Rapporteur on trafficking persons, especially women and children, Joy Ngozi Ezeilo, sought clarifications of the facts and investigations by the Government of India in May 2011 (Paragraph 36-42)[4]. Even though investigations and issuance of guidelines seemed to be performed by the government of India and Meghalaya, it was reported that the thousands of child miners were still at significant risk of in coalmines[5].

Despite the efforts made by civil society organizations, there is little improvement in the condition and safety standard in the mining sites. This problem should not be kept unaddressed for children's wellbeing and future. This practice of child labour violates the Indian Constitution and Child Labour Act, and the Indian government has a responsibility to conduct further investigations of labour practices in Jaintia Hills or invite international monitoring, and strengthen supervision and correction of these practices. Also, immediate action must be taken in cooperation with the government of Nepal and Bangladesh for fundamental improvement.

2. Background

Meghalaya is a northeastern Indian state, which shares borders with Nepal, Bangladesh, Bhutan, China, and Myanmar. Jaintia Hills is one of the seven districts in Meghalaya in the east of the region with a population of 299,108. Coal mining has become a growing industry in Meghalaya due to the Supreme Court's ban on the sale of timber in 1981. From 1997 to 2003, coal production in this place increased by 36% and accounted for 8-10% of the state's GDP.

The first concern lies in the problematic statistics of children who are engaged in labour work. According to the Census of India in 1991 and 2001, the number of working children aged 5 to 14 increased from 11.3 to 12.7 million. However, according to the National Sample Survey Organization, the number of working children dropped from 13.3 million in 1993 to 10.4 million in 1999, and to 8.6 million in 2004. UNICEF also estimates a slight decline in the proportion of children involved in labour from 14% in 1999 to 2003 to 12% from 2000 to 2009. These differences may be attributed to different definitions of child labour, resulting in a significant number not being accounted for in the census.

What is also striking is where the children in the mining industry originated. Nepal and Bangladesh are the main sources of labour besides India. Poverty is also rampant in all three countries. Those we interviewed told us that they thought 'migration' to be an opportunity to earn money so that they could support their families economically. The fact-finding mission reported that mine supervisors and managers confirmed high prevalence of child labour in Jaintia Hill

1 ABC News, Children of the Rat Holes Pictures,
http://abcnews.go.com/International/slideshow/indias-child-coal-miners-19383690/image-19384170
2 HRN, Report on Child Labour in the Mines of Meghalaya, Fact Finding Mission of HRN to India,
http://hrn.or.jp/activity/20110804IndiaReport.pdf
3 Their own investigative report is seen at; http://hrn.or.jp/activity/2011/02/08/201102_Meghalaya.pdf
4 A/HRC/17/35/Add.1
http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.35.Add.1_EFSonly.pdf
5 Al Jazeera English, The Child Miners of Meghalaya
http://www.aljazeera.com/indepth/features/2013/10/child-miners-meghalaya-2013103132125749825.html

mines, and one supervisor commented that 25 children were employed in his mines, which constituted a quarter of his total labour force.

3. Working conditions in the mines

The Impulse NGO Network has estimated that there are at least 5,000 mines in the region, however, one of the managers HRN interviewed asserted that there are approximately 100, 000 mine in the region[6]. Each mine has wooden steps running down the wall from the entrance to the bottom of the shaft, and due to frequent rainfall, they often become slippery and prone to rot. Their structural collapses are common, and slips and falls can cause injury and in worst cases, death. The height of the hole is typically short only to allow a crouching child to enter. The working conditions are hazardous, due to poor lighting, lack of/insufficient safety equipment, and faulty ventilation in the rat holes that can secure little oxygen deeper into the hole. Flooding is also a major issue with tunnels, filling with water and drowning labourers while they are constructing a new hole. Although accidents often cause deaths or injuries, these casualties are not reported and mine owners do not provide compensation or medical supports for victims or their families. Since mine managers do not record labourers' addresses or family details, families have no means to know anything happened to their beloved ones. Machineries are also often inadequate, poorly maintained, and operated by unqualified workers.

Furthermore, our mission has acknowledged a practice of extrajudicial execution by the mine owners to control their labourers. Interviewees confessed that the labourers, including children, have been left inside the rat holes as a punishment and have died from oxygen deficiency. This practice makes child labourers intimidated and fear managers whom they do not have any choices but obey, even if they wish to leave. One adult labourer told us that labourers had to remove the body of a dead labourer from a rat hole in April 2009 because of their confrontation with the owner.

The living conditions of labourers at the mines are inhumane and unsanitary. Lack of safe drinking water and no proper sewage system contributes to a variety of diseases. However, mine owners provide no medical facilities for labourers.

4. Efforts since 2010 mission - unimproved situation

In May 2012, two years after our fact-finding mission with the Impulse NGO network, the National Commission for Protection of Child Rights (NCPCR) visited the coalmines of Jaintia Hills, Meghalaya[7]. Their report revealed the hazardous situation under which children work with little progress in providing any safety or welfare measures. Children were reportedly sent away from the sites when the investigation team arrives so that mine owners could not be questioned or alleged. One of the investigating members who went into the 'rat hole' felt suffocated as he reaches the bottom with gas and fumes emanating.

Also in the same month, National Human Rights Commission expressed their serious concern over child labour in Meghalaya. The Commission recommended the state government to stop child labour in all forms. It also recommended the state government conduct a survey of mines to find the number of child labourers employed there and take measures for their schooling and rehabilitation. The State authorities admitted that 220 child workers were identified in Jaintia hills. The claim was also brought with a reference to cases of "sexual exploitation of minor girls and abandoning of newly born children and dead fetus"[8]. Nonetheless, after the intervention by two National Commissions, there is little improvement on the ground and the devastating situation continues to exist. Lack of political will and determination of

6 HRN, Report on Child Labour in the Mines of Meghalaya, Fact Finding Mission of HRN to India, http://hrn.or.jp/activity/20110804IndiaReport.pdf

7 National Commission for Protection of Child Rights, Child Labour Situation in Coal Mines, Pits & Rat Holes of Jaintia Hills, MEGHALAYA, http://www.ncpcr.gov.in/Reports/Jaintia%20Hills%20Visit%20Report%20-%20Revised.pdf

8 National Human Rights Commission, NHRC expresses serious concern over child labour in Meghalaya, http://nhrc.nic.in/disparchive.asp?fno=2574

enforcing laws is evident from continual denial made such as by the deputy chief minister for mining and geology[9], and silence from authorities have been depriving children's life and future continuously[10].

5. Related laws and statutes

The Indian Constitution prohibits the employment of children, defined as those under the age of 14, engaging in any hazardous employment including mining industry (Article 24, THE CONSTITUTION OF INDIA). Under the Child Labour Act of 1986, it is prohibited to employ children under 14 in mines or in other hazardous work, while the Mines Act prohibits employment of those under 18 in mines. In addition, the Coal Mines Regulations of 1957 and the Mines Act of 1952 codify safety rules and procedures and labour conditions to ensure the health and safety of workers. India has legal obligations to eradicate child labour under International Labour Organization Conventions on the minimum age conventions of 1919 and 1965, although these conventions are now considered outdated and India has not ratified the new convention. India also accedes to the UN Convention on the Rights of the Child in 1992, Article 32 that prohibits child labour on economic exploitation when it threatens the physical, mental, emotional, and social development of children.

6. Recommendations

The grave human rights violations in the practice of child labour in Jaintia Hills are still evident within extremely hazardous environment and slavery-like practice. Despite numerous laws, regulations, and mechanisms to eliminate child labour in India, they are powerless to save the children in Jaintia Hills. Indian Government has to keep a thorough, effective, and transparent large-scale investigation of child labour practice and human rights violations regarding this issue and invite and accept international monitoring. The international community is highly encouraged to acknowledge the severity of the matter. HRN calls relevant UN Special Rapporteurs and the ILO to conduct thorough investigation over this grave situation.

9 The New York Times, Children Toil in India's Mines, Despite Legal Ban, http://www.nytimes.com/2013/02/26/world/asia/in-india-missing-school-to-work-in-the-mine.html?pagewanted=all&_r=1&

10 Al Jazeera English, The child miners of Meghalaya, http://www.aljazeera.com/indepth/features/2013/10/child-miners-meghalaya-201310313212574982 5.html